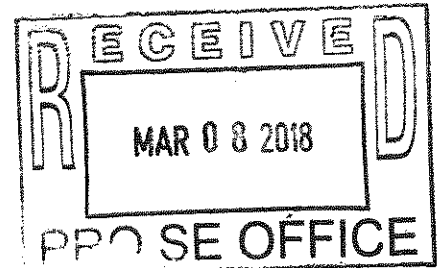


ORIGINAL

KUNTZ, J.

BLOOM, M.J.



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

SAYYID D. MUHAMMADALI

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-against-

THE CITY OF NEW YORK, P.O. SOLIS  
(TAX REG. 943892), P.O. BARUCCHIERI (TAX  
REG. 952448) SEE ATTACHED

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**NOTICE OF REMOVAL**  
~~Complaint for a Civil Case~~

Case No.

**CV 18-1521**






*(to be filled in by the Clerk's Office)*

Jury Trial: ☒ Yes ☐ No  
*(check one)*

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>SAVVID D. MUHAMMADALI</u>
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address	

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>THE CITY OF NEW YORK</u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

**Defendant No. 2**

Name	<u>P.O. SOLIS (TAX REG 943832)</u>
Job or Title (if known)	<u>POLICE OFFICER</u>
Street Address	<u>1 POLICE PLAZA, ROOM 1100</u>
City and County	<u>NEW YORK</u>

DEFENDANT # 5 NAME SGT. HONSTETTER (TAX REG # 136777)

JOB POLICE SGT.

ADDRESS 1 POLICE PLAZA, ROOM 1100

CITY NEW YORK

STATE NEW YORK 10038

State and Zip Code NEW YORK 10038  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known) \_\_\_\_\_

Defendant No. 3

Name SGT. CORDINER (TAX REG 929940)  
Job or Title 8 POLICE SGT  
(if known) \_\_\_\_\_  
Street Address 1 POLICE PLAZA, ROOM 1100  
City and County NEW YORK  
State and Zip Code NEW YORK 10038  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known) \_\_\_\_\_

Defendant No. 4

Name P.O. BARUCCHERI (TAX REG 952448)  
Job or Title POLICE OFFICER  
(if known) \_\_\_\_\_  
Street Address 1 POLICE PLAZA, ROOM 1100  
City and County NEW YORK  
State and Zip Code NEW YORK 10038  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known) \_\_\_\_\_

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

FREEDOM FROM ASSAULT TO HIS PERSON, FREEDOM FROM BATTERY TO HIS PERSON, FREEDOM FROM ILLEGAL SEARCH AND SEIZURE, FREEDOM FROM FALSE ARREST, FREEDOM FROM MALICIOUS PROSECUTION, FREEDOM FROM EXCESSIVE USE OF FORCE, FREEDOM FROM BEING SUBJECTED TO UNLAWFUL SUMMARY PUNISHMENT

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

**1. The Plaintiff(s)**

**a. If the plaintiff is an individual**

The plaintiff, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)**

**a. If the defendant is an individual**

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

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## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

THE CITY OF NY IS AT FAULT FOR HIRING <sup>THREE OF WHOM</sup> ALL THE OFFICERS WHO HIT ME WITH A POLICE CAR, ASSAULTED ME, CAUSED AN EPILEPTIC SEIZURE, ARRESTED ME WHICH RESULTED IN AN EMERGENCY ROOM VISIT. THE OTHER SGT WHO THEN ARRESTED ME AFTER I ASKED ABOUT MY MISSING PROPERTY BECAUSE OF THE AFOREMENTIONED ARREST.

#### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I AM ASKING FOR PUNITIVE DAMAGES IN THE AMOUNT OF  
TWO MILLION DOLLARS, AS A RESULT OF THE ILLEGAL SEARCH, ASSAULT  
ILLEGAL SEIZURE, BODILY HARM, PAIN AND SUFFERING  
DUE TO THE UNLAWFUL ARREST

#### V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


##### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/6, 2018

Signature of Plaintiff

Printed Name of Plaintiff

  
SAYID D. MUHAMMAD ALI

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

Index No.:

-----X  
SAYYID D. MUHAMMADALI,

**SUMMONS**

Plaintiff,

Plaintiffs designate  
QUEENS County as the  
place of trial.

-against-

THE CITY OF NEW YORK, P.O. SOLIS (Tax Reg.  
943832), P.O. BARUCCHERI (Tax Reg.  
952448), SGT. CORDINER (Tax Reg. 929940)  
and SGT. HONSTETTER (Tax Reg. 936777),

The basis of venue  
is where the Tort  
arose and where  
Plaintiff resides.

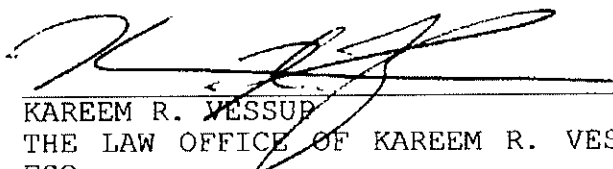
Defendants.  
-----X

The Tort Arose in:  
QUEENS COUNTY, NEW  
YORK.

**To the above named Defendants:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiffs' attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: JAMAICA. NEW YORK  
JUNE 30, 2014

  
KAREEM R. VESSUP  
THE LAW OFFICE OF KAREEM R. VESSUP  
ESQ.

Attorneys for Plaintiff  
SAYYID D. MUHAMMADALI  
89-31 161<sup>st</sup> Street, Suite 705  
Jamaica, New York 11432  
Our File No. 13-1340

TO: Corporation Counsel of  
The City of New York  
100 Church Street  
New York, NY 10007

P.O. Solis  
1 Police Plaza, Room 1100



New York, NY 10038

P.O. Baruccheri  
1 Police Plaza, Room 1100  
New York, NY 10038

Sgt. Cordiner  
1 Police Plaza, Room 1100  
New York, NY 10038

Sgt. Honstetter  
1 Police Plaza, Room 1100  
New York, NY 10038

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

Index No.:

-----X  
SAYYID D. MUHAMMADALI,

Plaintiff,

**VERIFIED COMPLAINT**

-against-

THE CITY OF NEW YORK, P.O. SOLIS (Tax Reg.  
943832), P.O. BARUCCHERI (Tax Reg.  
952448), SGT. CORDINER (Tax Reg. 929940)  
and SGT. HONSTETTER (Tax Reg. 936777),

Defendants.  
-----X

Plaintiff **SAYYID D. MUHAMMADALI**, by his attorney THE LAW  
OFFICE OF KAREEM R. VESSUP ESQ., complaining of the Defendants,  
respectfully allege upon information and belief, as follows:

1. At all times herein mentioned, Plaintiff **SAYYID D. MUHAMMADALI** was, and still is, a resident of the County of Queens, City and State of New York.

2. At all times herein mentioned, Defendant **THE CITY OF NEW YORK** was, and still is, a municipal corporation duly organized and existing by virtue of the laws of the State of New York.

3. Upon information and belief, at all times mentioned, Defendants **THE CITY OF NEW YORK, P.O. SOLIS (Tax Reg. 943832) P.O. BARUCCHERI (Tax Reg. 952448), SGT. CORDINER (Tax Reg. 929940) and SGT. HONSTETTER (Tax Reg. 936777)** were and are police officers of the Defendant **THE CITY OF NEW YORK**, and at all times herein were acting in such capacity as the agents, servants and employees of the Defendant, **THE CITY OF NEW YORK**.

4. On or about April 30, 2013 and within ninety (90) days after the claim herein arose, the Plaintiff served a Notice of

Claim, in writing and sworn to on his behalf, upon the Defendant **THE CITY OF NEW YORK**, by delivering a copy thereof in duplicate to the officer designated to receive such process personally, which Notice of Claim advised the Defendant **THE CITY OF NEW YORK**, of the nature, place, time and manner in which the claim arose, the items of damage and injuries sustained so far as was then determinable.

5. On or about July 22, 2013 the Plaintiff served a Supplemental Notice of Claim, in writing and sworn to on his behalf, upon the Defendant **THE CITY OF NEW YORK**, by delivering a copy thereof in duplicate to the officer designated to receive such process personally, which Notice of Claim advised the Defendant **THE CITY OF NEW YORK**, of the nature, place, time and manner in which the claim arose, the items of damage and injuries sustained so far as was then determinable.

6. On or about July 22, 2013 the Plaintiff also served a Notice of Claim regarding a second continuing incident which occurred on or about April 3, 2013, in writing and sworn to on his behalf, upon the Defendant **THE CITY OF NEW YORK**, by delivering a copy thereof in duplicate to the officer designated to receive such process personally, which Notice of Claim advised the Defendant **THE CITY OF NEW YORK**, of the nature, place, time and manner in which the claim arose, the items of damage and injuries sustained so far as was then determinable.

7. At least thirty (30) days have elapsed since the service of the claim prior to the commencement of this action and

adjustment of payment thereof has been neglected or refused, and this action has been commenced within one year and ninety (90) days after the cause of action herein alleged accrued.

8. The Plaintiff has complied with the request of the municipal Defendant for an oral examination pursuant to Section 50h of the General Municipal Law in that a 50h hearing was held on February 12, 2014.

9. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY Defendants **P.O. BARUCCHERI (Tax Reg. 952448)** and **SGT. HONSTETTER (Tax Reg. 936777)** assaulted and then arrested Plaintiff **SAYYID D. MUHAMMED ALI**.

10. Thereafter Plaintiff was brought to the NYPD 101<sup>st</sup> Precinct followed by Central Booking and was charged and prosecuted in Queens County Criminal Court for various crimes that Plaintiff was innocent of.

11. After Plaintiff's release from police custody the aforementioned incident continued on April 3, 2013 at approximately 2:30pm when Plaintiff presented himself to the NYPD 101<sup>st</sup> Precinct to obtain his belongings which were taken from him during his March 30, 2013 arrest. At that time Defendants **P.O. SOLIS (Tax Reg. 9943832)** and **SGT. CORDINER (Tax Reg. 929940)** assaulted and then arrested Plaintiff **SAYYID D. MUHAMMED ALI**.

Plaintiff was again taken to Central Booking and charged with various crimes that he was innocent of.

12. Said prosecutions continued until on or about June 2014 when the criminal prosecutions were resolved by an adjournment in contemplation of dismissal.

**AS AND FOR A FIRST CAUSE OF ACTION**

13. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "12" with full force and effect as though set forth at length herein.

14. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, detectives and/or sergeants, without any warrant or any other legal process and without any legal right, wrongfully and unlawfully arrested the Plaintiff **SAYYID D. MUHAMMED ALI**, restrained him and interfered with his liberty and took him into custody without authority to the 101<sup>st</sup> Precinct in Queens County and there charged him with various crimes that he was innocent of.

15. The Plaintiff was thereafter held in custody for more than 24 hours before he was arraigned and released on his own recognizance.

16. The Defendants intentionally confined the Plaintiff without his consent and the confinement was not otherwise

privileged by law and at all times Plaintiff was aware of his confinement.

**AS AND FOR A SECOND CAUSE OF ACTION**

17. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "16" with full force and effect as though set forth at length herein.

18. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, detectives and/or sergeants, without any warrant or any other legal process and without any legal right, again wrongfully and unlawfully arrested the Plaintiff **SAYYID D. MUHAMMED ALI**, restrained him and interfered with his liberty and took him into custody without authority and charged him with new and additional crimes that he was innocent of.

19. The Plaintiff was thereafter held in custody for more than 24 hours before he was arraigned and released on his own recognizance.

20. The Defendants intentionally confined the Plaintiff without his consent and the confinement was not otherwise privileged by law and at all times Plaintiff was aware of his confinement.

**AS AND FOR A THIRD CAUSE OF ACTION**

21. Plaintiff repeats, reiterates and re-alleges all of the

allegations contained in paragraphs "1" through "20" with full force and effect as though set forth at length herein.

22. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, placed Plaintiff **SAYYID D. MUHAMMED ALI** in imminent fear of a harmful or offensive physical contact by approaching the Plaintiff with their firearms and/or various other objects which they used to physically seize, strike and/or restrain the plaintiff.

23. All of the above actions placed the Plaintiff in imminent fear of physical contact and at no time did the Plaintiff consent to the unlawful actions of the Defendants.

**AS AND FOR A FOURTH CAUSE OF ACTION**

24. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "23" with full force and effect as though set forth at length herein.

25. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, placed Plaintiff **SAYYID D. MUHAMMED ALI** in imminent fear of a harmful or offensive physical contact by approaching the Plaintiff with their firearms and/or various other objects which they used to

physically seize, strike and/or restrain the plaintiff.

26. All of the above actions placed the Plaintiff in imminent fear of physical contact and at no time did the Plaintiff consent to the unlawful actions of the Defendants

**AS AND FOR A FIFTH CAUSE OF ACTION**

27. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "26" with full force and effect as though set forth at length herein.

28. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, did commit a battery upon Plaintiff **SAYYID D. MUHAMMED ALI** in that they subjected him to a harmful or offensive touching.

29. Defendants did not have legal cause to touch the Plaintiff in the manner in which they did. Plaintiff did not consent to the aforementioned contact nor was it privileged by law.

30. Said contact caused the Plaintiff damage and injury.

**AS AND FOR A SIXTH CAUSE OF ACTION**

31. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "30" with full



force and effect as though set forth at length herein.

32. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, did commit a battery upon Plaintiff **SAYYID D. MUHAMMED ALI** in that they subjected him to a harmful or offensive touching.

33. Defendants did not have legal cause to touch the Plaintiff in the manner in which they did. Plaintiff did not consent to the aforementioned contact nor was it privileged by law.

34. Said contact caused the Plaintiff damage and injury.

**AS AND FOR A SEVENTH CAUSE OF ACTION**

35. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "34" with full force and effect as though set forth at length herein.

36. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, forcibly searched and seized plaintiff without previously having legal cause or suspicion to do so.

37. As a result of the aforementioned unlawful search and seizure Plaintiff was subjected to an unlawful assault, unlawful

battery, unlawful and excessive use of force, unlawful arrest and malicious prosecution.

38. Because of the aforementioned conduct of the defendants Plaintiff was damaged.

**AS AND FOR AN EIGHTH CAUSE OF ACTION**

39. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "38" with full force and effect as though set forth at length herein.

40. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, forcibly searched and seized plaintiff without previously having legal cause or suspicion to do so.

41. As a result of the aforementioned unlawful search and seizure Plaintiff was subjected to an unlawful assault, unlawful battery, unlawful and excessive use of force, unlawful arrest and malicious prosecution.

42. Because of the aforementioned conduct of the defendants Plaintiff was damaged.

**AS AND FOR A NINETH CAUSE OF ACTION**

43. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "42" with full force and effect as though set forth at length herein.

44. That on March 30, 2013 Plaintiff was arrested and from that time until the end of the criminal prosecution on or about June 2014, Defendants **P.O. BARUCCHERI (Tax Reg. 952448)** and **SGT. HONSTETTER (Tax Reg. 936777)** deliberately and maliciously prosecuted Plaintiff **SAYYID D. MUHAMMED ALI**, an innocent man without any probable cause whatsoever, by filing or causing a criminal complaint to be filed in the Criminal Court of the City of New York, Queens County, for the purpose of falsely accusing the plaintiff of violations of the criminal laws of the State of New York.

45. The Defendants **P.O. BARUCCHERI (Tax Reg. 952448)** and **SGT. HONSTETTER (Tax Reg. 936777)**, failed to take reasonable steps to stop the prosecution of the Plaintiff and instead maliciously and deliberately provided false and/or incomplete information to the District Attorney's office to induce prosecution of the Plaintiff.

46. The commencement of these criminal proceedings was malicious, began in malice and without probable cause, so that the proceedings could succeed by the Defendants.

47. As a result of the malicious prosecution, Plaintiff was deprived of his liberty and suffered humiliation, mental anguish, indignity and frustration of an unjust criminal prosecution. The Plaintiff made multiple court appearances to defend his liberty as a result of the unjust prosecution and has had to incur the

expense of hiring a criminal defense attorney to represent his interests during that prosecution.

**AS AND FOR A TENTH CAUSE OF ACTION**

48. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "47" with full force and effect as though set forth at length herein.

49. That on April 3, 2013 Plaintiff was arrested and from that time until the end of the criminal prosecution on or about June 2014, Defendants **P.O. SOLIS (Tax Reg. 943832)** and **SGT. CORDINER (Tax Reg. 929940)** deliberately and maliciously prosecuted Plaintiff **SAYYID D. MUHAMMED ALI**, an innocent man without any probable cause whatsoever, by filing or causing a criminal complaint to be filed in the Criminal Court of the City of New York, Queens County, for the purpose of falsely accusing the plaintiff of violations of the criminal laws of the State of New York.

50. The Defendants **P.O. SOLIS (Tax Reg. 943832)** and **SGT. CORDINER (Tax Reg. 929940)** failed to take reasonable steps to stop the prosecution of the Plaintiff and instead maliciously and deliberately provided false and/or incomplete information to the District Attorney's office to induce prosecution of the Plaintiff.

51. The commencement of these criminal proceedings was malicious, began in malice and without probable cause, so that the proceedings could succeed by the Defendants.

52. As a result of the malicious prosecution, Plaintiff was deprived of his liberty and suffered humiliation, mental anguish, indignity and frustration of an unjust criminal prosecution. The Plaintiff made multiple court appearances to defend his liberty as a result of the unjust prosecution and has had to incur the expense of hiring a criminal defense attorney to represent his interests during that prosecution.

**AS AND FOR AN ELEVENTH CAUSE OF ACTION**

53. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "52" with full force and effect as though set forth at length herein.

54. Defendants **P.O. SOLIS (Tax Reg. 943832)** **P.O. BARUCCHERI (Tax Reg. 952448)**, **SGT. CORDINER (Tax Reg. 929940)** and **SGT. HONSTETTER (Tax Reg. 936777)** were at all times relevant, duly appointed and acting officers of the New York City Police Department.

55. At all times mentioned herein, said police officers were acting under color of law, to wit: the statutes, ordinances, regulations, policies, customs and usage of the State of New York and/or City of New York.

56. Plaintiff **SAYYID D. MUHAMMED ALI** brings this cause of action pursuant to 42 United States Code, Section 1983 and 42 United States Code, Section 1988.

57. That on or about March 30, 2013 at approximately

12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, wrongfully touched, grabbed, handcuffed and seized the Plaintiff **SAYYID D. MUHAMMADALI** in an excessive manner about his person, causing him physical pain and mental suffering. At no time did the Defendants have legal cause to grab, handcuff, seize, touch or subject the Plaintiff to the excessive use of force. The Plaintiff did not consent to this illegal touching nor was this touching privileged by law.

58. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, detectives and/or sergeants, did place Plaintiff **SAYYID D. MUHAMMED ALI** in imminent fear of physical contact by approaching the Plaintiff with their loaded firearms and/or other objects which they used to physically seize, strike and/or restrain the Plaintiff. All of the above actions placed the Plaintiff in imminent fear of physical contact. At no time did the Plaintiff consent to the unlawful actions of the Defendants.

59. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel

lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers committed a harmful and/or an offensive touching upon the Plaintiff by wrongfully touching, grabbing, handcuffing and seizing the Plaintiff **SAYYID D. MUHAMMADALI** in an excessive manner about his person, causing him physical pain and mental suffering. At no time did the Defendants have legal cause to grab, handcuff, seize, touch or subject the Plaintiff to the excessive use of force. The Plaintiff did not consent to this illegal touching nor was this touching privileged by law.

60. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacities as police officers unlawfully searched and seized Plaintiff without consent or lawful authority.

61. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, detectives and/or sergeants without any warrant, order or other legal process and without any legal right, wrongfully and unlawfully arrested the Plaintiff, restrained him and interfered with his liberty and then took him into custody to the 101th Precinct in Queens County and there charged him with various crimes. The Plaintiff was thereafter held in custody for more

than 24 hours before he was arraigned and released on his own recognizance. The Defendants intentionally confined the Plaintiff without his consent and the confinement was not otherwise privileged by law and, at all times, the Plaintiff was conscious of his confinement.

62. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the Defendants, armed police, while effectuating the seizure of the Plaintiff **SAYYID D. MUHAMMADALI** did search, seize, assault and commit a battery and grab the person of the Plaintiff without probable cause or a court authorized arrest or search warrant. They did physically seize the person of the Plaintiff during the arrest process in an unlawful and excessive manner. The Plaintiff was falsely arrested and maliciously prosecuted without the Defendants possessing probable cause to do so and without a reasonable suspicion of probable cause. Plaintiff was kept in custody by defendants for more than 24 hours until he was arraigned and released on his own recognizance.

63. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, wrongfully touched, grabbed, handcuffed and seized the Plaintiff **SAYYID D. MUHAMMADALI** in an excessive manner about his person,



causing him physical pain and mental suffering. At no time did the Defendants have legal cause to grab, handcuff, seize, touch or subject the Plaintiff to the excessive use of force. The Plaintiff did not consent to this illegal touching nor was this touching privileged by law.

64. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, detectives and/or sergeants, did place Plaintiff **SAYYID D. MUHAMMADALI** in imminent fear of physical contact by approaching the Plaintiff with their loaded firearms and/or other objects which they used to physically seize, strike and/or restrain the Plaintiff. All of the above actions placed the Plaintiff in imminent fear of physical contact. At no time did the Plaintiff consent to the unlawful actions of the Defendants.

65. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers committed a harmful and/or an offensive touching upon the Plaintiff by wrongfully touching, grabbing, handcuffing and seizing the Plaintiff **SAYYID D. MUHAMMADALI** in an excessive manner about his person, causing him physical pain and mental suffering. At no time did the Defendants have legal cause to grab, handcuff, seize, touch or subject the Plaintiff to the excessive use of force. The Plaintiff did not consent to this illegal touching nor

was this touching privileged by law.

66. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacities as police officers unlawfully searched and seized Plaintiff without consent or lawful authority.

67. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, detectives and/or sergeants without any warrant, order or other legal process and without any legal right, wrongfully and unlawfully arrested the Plaintiff, restrained him and interfered with his liberty and then took him into custody to the 101th Precinct in Queens County and there charged him with various crimes. The Plaintiff was thereafter held in custody for more than 24 hours before he was arraigned and released on his own recognizance. The Defendants intentionally confined the Plaintiff without his consent and the confinement was not otherwise privileged by law and, at all times, the Plaintiff was conscious of his confinement.

68. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the Defendants, armed police, while effectuating the seizure of the Plaintiff **SAYYID D. MUHAMMADALI** did search, seize, assault and commit a battery and grab the person of the Plaintiff without probable

cause or a court authorized arrest or search warrant. They did physically seize the person of the Plaintiff during the arrest process in an unlawful and excessive manner. The Plaintiff was falsely arrested and maliciously prosecuted without the Defendants possessing probable cause to do so and without a reasonable suspicion of probable cause. Plaintiff was kept in custody by defendants for more than 24 hours until he was arraigned and released on his own recognizance.

69. The above actions of the Defendants resulted in the Plaintiff being deprived of the following rights under the United States Constitution:

- a. Freedom from assault to his person;
- b. Freedom from battery to his person;
- c. Freedom from illegal search and seizure;
- d. Freedom from false arrest;
- e. Freedom from malicious prosecution;
- f. Freedom from being subjected to excessive use of force;
- g. Freedom from being subjected to unlawful summary punishment.

70. The Defendants subjected Plaintiff to such deprivations, either in a malicious manner or with reckless disregard of the Plaintiff's rights or with deliberate indifference to those rights afforded individuals by the Fourth and Fourteenth Amendments to the United States Constitution.

71. The direct and proximate results of the Defendants' acts are that the plaintiff was forced to endure pain and

suffering, all to his detriment. He has suffered severe and permanent injuries of a physical and psychological nature.

**AS AND FOR A TWELFTH CAUSE OF ACTION**

72. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "71" with full force and effect as though set forth at length herein.

73. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers saw Plaintiff, an African American man, on the sidewalk.

74. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers saw Plaintiff, an African American man who entered the NYPD 101<sup>st</sup> Pct.

75. Upon information and belief in neither occasion was Plaintiff engaged in any conduct that would legally justify the Defendants stopping, seizing, frisking, questioning or even demanding information from the Plaintiff.

76. Upon information and belief the Defendants approached Plaintiff for no reason other than the fact that he was African American.

77. The Defendant **THE CITY OF NEW YORK**, has previously

implemented, enforced, encouraged and sanctioned a policy, practice and/or custom of unconstitutional stops and frisks of City residents by the New York City Police Department. Said policy remained in effect and was being actively practiced on March 30, 2013 and April 3, 2013.

78. Without the reasonable articulable suspicion required under the Fourth Amendment, NYPD officers, including defendants herein, have been engaged in rampant stops and frisks of individuals, including Plaintiff **SAYYID D. MUHAMMADALI**.

79. NYPD officers, in violation of the Equal Protection Clause of the Fourteenth Amendment, often have used, and on March 30, 2013 and April 3, 2013 used, race and/or national origin - not reasonable suspicion - as the determinative factors in deciding to stop and frisk individuals generally, and Plaintiff herein specifically. The victims of such racial and/or national profiling are principally Black and Latino.

80. The NYPD's widespread constitutional abuses have flourished as a result of, and are directly and proximately caused by, policies, practices and/or customs devised, implemented and enforced by **THE CITY OF NEW YORK**. **THE CITY OF NEW YORK**, its employees, servants and or agents have acted with deliberate indifference to the constitutional rights of those who would come into contact with NYPD officers by: (a) failing to properly screen, train, and supervise NYPD officers, (b) inadequately monitoring NYPD officers and their stop and frisk practices, (c)

failing to sufficiently discipline NYPD officers who engage in constitutional abuses, (d) encouraging, sanctioning and failing to rectify the NYPD's unconstitutional practices.

81. As a direct and proximate result of defendants' policies, practices, and/or customs, hundreds of thousands of City residents, in particular Black and Latino individuals including Plaintiff herein, have been subjected to unconstitutional stops and frisks by NYPD officers. Indeed, many Black and Latino persons repeatedly have been victims of suspicionless stops and frisk by the NYPD.

82. Moreover, the NYPD's constitutional abuses have been attended by unlawful searches and seizures and, at times, excessive force.

83. Plaintiff **SAYYID D. MUHAMMADALI** was likewise subjected to an unconstitutional stop and frisk among other constitutional abuses including the use of excessive force all occurring on March 30, 2013 and April 3, 2013.

84. The above actions of the Defendants resulted in the Plaintiff being deprived of the following rights under the United States Constitution:

- a. Freedom from assault to his person;
- b. Freedom from battery to his person;
- c. Freedom from illegal search and seizure;
- d. Freedom from false arrest;
- e. Freedom from malicious prosecution;

f. Freedom from being subjected to excessive use of force;

g. Freedom from being subjected to unlawful summary punishment.

85. **THE CITY OF NEW YORK** subjected Plaintiff to such deprivations, either in a malicious or reckless disregard of the Plaintiff's rights or with deliberate indifference to those rights afforded individuals by the Fourth and Fourteenth Amendments to the United States Constitution.

86. The direct and proximate results of the Defendants' acts are that the Plaintiff was forced to endure conscious pain and suffering including, but not limited to, severe and permanent physical and psychological injuries.

**AS AND FOR THIRTEENTH CAUSE OF ACTION**

87. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "86" with full force and effect as though set forth at length herein.

88. Defendant **THE CITY OF NEW YORK** has grossly failed to train and adequately supervise its police officers in the fundamental law of arrest, search and seizure especially when its police officers are not in possession of a court authorized arrest warrant and where an individual, especially as here, has not committed a crime and has not resisted arrest, that its police officers should only make an arrest based on probable cause

89. Defendant **THE CITY OF NEW YORK** was negligent by failing to implement a policy with its Police Department and instruct police officers who, absent the consent of the Plaintiff (or similarly situated individuals) or without the possession of a court authorized arrest or search warrant, said police officers of **THE CITY OF NEW YORK** are not to arrest individuals such as the Plaintiff here where probable cause is lacking.

90. **THE CITY OF NEW YORK** is negligent due to its failure to implement a policy with its Police Department or actively enforce the law, that Probable cause must be present before an individual such as Plaintiff herein can be arrested.

91. The foregoing acts, omissions and systemic failures are customs and policies of **THE CITY OF NEW YORK** which caused that police officers to falsely arrest, maliciously prosecute, illegally seize and search the Plaintiff, commit an assault/battery to his person under the belief that they would suffer no disciplinary actions for their failure to take proper or prudent steps in this case.

**AS AND FOR A FOURTEENTH CAUSE OF ACTION**

92. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "91" as if set forth at length herein.

93. Defendant **THE CITY OF NEW YORK** was negligent in that prior to and at the time of the acts complained of herein, due to



the prior history of the Police Officer Defendants knew or should have known of the bad disposition of said Defendants or had knowledge of facts that would put a reasonably prudent employer on inquiry concerning their bad disposition and the fact these officers were not suitable to be hired and employed by **THE CITY OF NEW YORK** and that due to their lack of training, these officers should have had adequate supervision so that they would not arrest innocent individuals. Defendant failed to act reasonably in supervising, disciplining, removing or otherwise taking appropriate action against these officers to protect the Plaintiff herein and other members of the community similarly situated.

94. As a direct and proximate result of the Defendant's failures Plaintiff sustained physical and psychological injuries and was otherwise damaged.

**AS AND FOR A FIFTEENTH CAUSE OF ACTION**

95. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "62" as if set forth at length herein.

96. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, owed Plaintiff **SAYYID D.**

**MUHAMMED ALI** a duty to act reasonably in the carrying out of their duties and responsibilities.

97. That on or about March 30, 2013 at approximately 12:00pm on the Rockaway Freeway approximately 20-30 Feet west of its intersection with Oceancrest Blvd. in the Westbound travel lanes in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, breached their duty to Plaintiff by conducting themselves in a manner that was excessive, overly aggressive, willful, wanton, grossly negligent, reckless and negligent all in disregard of Plaintiff's rights as a citizen of the United States and the State of New York.

98. As a direct and proximate result of the Defendants conduct on March 30, 2013 plaintiff suffered physical and psychological injuries and he was otherwise damaged.

**AS AND FOR A SIXTEENTH CAUSE OF ACTION**

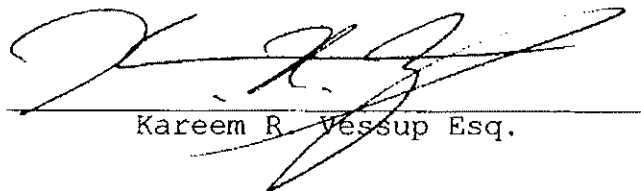
99. Plaintiff repeats, reiterates and re-alleges all of the allegations contained in paragraphs "1" through "62" as if set forth at length herein.

100. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, owed Plaintiff **SAYYID D. MUHAMMADALI** a duty to act reasonably in the carrying out of their duties and responsibilities.

101. That on or about April 3, 2013 at approximately 2:30pm within the NYPD 101<sup>st</sup> Pct. in Far Rockaway, NY the defendants jointly and severally in their capacity as police officers, breached their duty to Plaintiff by conducting themselves in a manner that was excessive, overly aggressive, willful, wanton, grossly negligent, reckless and negligent all in disregard of Plaintiff's rights as a citizen of the United States and the State of New York.

102. As a direct and proximate result of the Defendants conduct on April 3, 2013 plaintiff suffered physical and psychological injuries and he was otherwise damaged.

**WHEREFORE**, Plaintiff demands judgment against the Defendants, together with the costs and disbursements of this action in an amount that exceeds the jurisdictional limit of all lower courts, together with punitive damages, attorney's fees and costs for bringing this case.

  
Kareem R. Vessup Esq.

Index #:

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

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SAYYID D. MUHAMMADALI,

Plaintiff,

- against -

THE CITY OF NEW YORK, P.O. SOLIS (Tax Reg. 943832), P.O. BARUCCHIERI (Tax Reg. 952448). SGT. CORDINER (Tax Reg. 929940) and SGT. HONSTETTER (Tax Reg. 936777),

Defendants.

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**SUMMONS AND COMPLAINT**

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**LAW OFFICE OF KAREEM R. VESSUP ESQ.**

Attorney for Plaintiff

**SAYYID D. MUHAMMADALI**

89-31 161<sup>st</sup> Street, Suite 705

Jamaica, New York 11432

Tel (718) 219-8744

Fax (718) 228-7733

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February 28, 2018

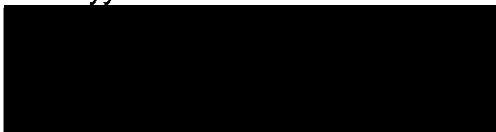
Dear Judge,

This case needs to be moved from Civil Court to Federal Court because my legal representative became negligent during the process of preparing for trial allowing the perception by the court that I was not aware of the gravity of the situation and therefore appeared lax and my suit frivolous.

The fact that I was not being adequately represented by my attorney led to a negative outcome of my case and gave me the indication that moving this case from Civil Court to Federal Court, where it should have been originally, would be the only way to receive justice in my case. I humbly await your decision on this matter.

Respectfully,

Sayyid D. MuhammadAli



FILED  
CLEAR  
2018 MAR -8 PM 2:24  
U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK